

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

7 CALIFORNIA DEPARTMENT OF TOXIC)
8 SUBSTANCES CONTROL,) 2:02-cv-00018-GEB-GGH
9 Plaintiff,)
10 v.)
11 CHARLES V. KESTER, ET AL.,)
12 Defendants.)
13 AND RELATED CROSS-CLAIMS,)
14 COUNTERCLAIMS, and THIRD-PARTY)
ACTIONS)
15

16 Plaintiff filed a "Joint VDRP Completion Report" on March 29,
17 2011, in which it states: "[a] settlement was reached during the
18 mediation, subject to execution and Court approval of a Consent Decree."
19 (ECF No. 1201.) Plaintiff also states that the Consent Decree "will be
20 submitted to the Court for approval within 90 days," which "will resolve
21 the claims in this action, except for the Department's claims against
22 Sharon Stone[.]" Id. The docket indicates that Plaintiff has begun
23 prosecution of a default judgment against Sharon Stone. (ECF Nos. 1188-
24 1190.) Since Plaintiff represents that the parties involved with the
25 VDRP mediation have reached a conditional settlement, Plaintiff's
26 pending Motion to Strike Affirmative Defenses (ECF No. 1183) and Motion
27 for Summary Judgment (ECF No. 1191), scheduled for hearing April 18,
28 2011, are DEEMED WITHDRAWN.

1 Further, Plaintiff shall file a motion for entry of default
2 judgment as to Defendant Sharon L. Stone before the Magistrate Judge
3 within one hundred (100) days of the date on which this Order is filed.
4 If Plaintiff fails to timely file the motion, Plaintiff shall show cause
5 in writing no later than 4:00 p.m. on July 15, 2011, why this defendant
6 should not be dismissed for failure of prosecution.

7 Dated: April 1, 2011

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10 GARLAND E. BURRELL, JR.
11 United States District Judge

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